

AMENDED IN SENATE APRIL 25, 2006

SENATE BILL

No. 1252

Introduced by Senator Florez

February 8, 2006

An act to add Section 42403.3 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1252, as amended, Florez. Air pollution: penalties: particulate matter.

Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law designates the state board as the air pollution control agency for all purposes set forth in federal law, and provides that the state agency is responsible for the preparation of the state implementation plan required by the federal Clean Air Act, as provided. Existing law requires the state board to adopt standards, rules, and regulations necessary for the proper execution of powers and duties granted to, and imposed upon, the state board by law. Existing state board regulations establish ambient air quality standards for suspended particulate matter (PM 10) and fine suspended particulate matter (PM 2.5). Existing law requires each district to adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emission sources under the districts' jurisdiction. Existing law

generally provides that a violation of rules, regulations, and laws relating to air pollution is a crime.

This bill would permit the state board or any district to impose, in addition to any other civil and criminal penalties, a civil penalty of not more than \$25,000 per violation for any discharge of specified particulate matter in violation of state or federal ambient air quality standards, *or a rule, regulation, standard, or order adopted by the state board or a district, or a permit issued by the state board or a district*. The bill would, on and after January 1, 2010, increase the penalty to not more than \$50,000. The bill would also state that the intent of the Legislature is to ensure that penalties that formerly could be imposed under the federal Clean Air Act for a violation of particulate matter standards be provided by this bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42403.3 is added to the Health and
2 Safety Code, to read:

3 42403.3. ~~(a) Notwithstanding any other provision of law, and~~
4 ~~in addition to any civil and criminal penalties prescribed under~~
5 ~~this article, the state board or any district may impose an~~
6 ~~additional civil penalty of not more than twenty-five thousand~~
7 ~~dollars (\$25,000) per violation for any discharge of PM 2.5 or~~
8 ~~PM 10 in violation of state or federal ambient air quality~~
9 ~~standards. On and after January 1, 2010, the penalty specified in~~
10 ~~this subdivision shall increase to not more than fifty thousand~~
11 ~~dollars (\$50,000).~~

12 ~~(b)~~

13 (a) For the purposes of this section, the following definitions
14 apply:

15 (1) “PM 2.5” has the same meaning as fine suspended
16 particulate matter as set forth in subdivision (k) of Section 70100
17 of Title 17 of the California Code of Regulations.

18 (2) “PM 10” has the same meaning as suspended particulate
19 matter as set forth in subdivision (j) of Section 70100 of Title 17
20 of the California Code of Regulations.

21 (b) *In addition to any civil and criminal penalties prescribed*
22 *under this article, the state board or any district may impose a*

1 *civil penalty of not more than twenty-five thousand dollars*
2 *(\$25,000) per violation for any discharge of PM 2.5 or PM 10 in*
3 *violation of any of the following:*

4 *(1) State or federal ambient air quality standards.*

5 *(2) A rule, regulation, standard, or order adopted by the state*
6 *board or a district.*

7 *(3) A permit issued by the state board or a district.*

8 *(c) On and after January 1, 2010, the penalty specified in*
9 *subdivision (b) shall increase to not more than fifty thousand*
10 *dollars (\$50,000).*

11 ~~(e)~~

12 *(d) It is the intent of the Legislature in enacting this section to*
13 *ensure that penalties that formerly could be imposed under the*
14 *federal Clean Air Act for a violation of particulate matter*
15 *standards be provided by this section.*